

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PAUL. J. McNALLY, TRUSTEE et als.

Plaintiffs,

v.

G. CONWAY, INC.,

Defendant,

and

BOWDOIN CONSTRUCTION CORP.,

Reach-and-Apply Defendant,

and

FLEET,

Trustee.

C.A. No. 05-10072 MEL

AFFIDAVIT OF JOHN J. GALLAGHER

I, John J. Gallagher, hereby depose and state upon my personal knowledge as follows:

(1) I am an attorney duly licensed to practice by the Massachusetts Board of Bar Overseers. I represent Bowdoin Construction Corp., the reach-and-apply defendant in this action.

(2) On April 29, 2005, I had a telephone conversation with Attorney Gregory Geiman, representing the plaintiffs in this action. I made the telephone call to Attorney Geiman.

(3) The sole purpose of the call was to inquire whether the plaintiffs in this action had already obtained an injunction, as the complaint contains a prayer for relief seeking an injunction.

(4) Attorney Geiman informed me that the plaintiffs had not filed a motion for a preliminary injunction.

(5) At no time during the telephone conversation did Attorney Geiman discuss the narrowing of any issues relating to the motion, e.g., the amount of the injunction.

(6) I had no other conversations or communications with Attorney Geiman other than the one described above.

Signed under the pains and penalties of perjury this 18th day of May, 2005.


JOHN J. GALLAGHER